

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JERMAINE ALEXANDER RAMSEY

PLAINTIFF

VS.

CIVIL ACTION NO.: 5:21-CV-29-DCB-LGI

MANAGEMENT TRAINING & CORPORATION, et al.

DEFENDANT

ORDER

THIS MATTER is before the Court on Magistrate Judge Isaac's Report & Recommendation ("R&R") [ECF No. 119], concerning Defendant's Motion to Dismiss or, Alternatively, for Summary Judgment ("Motion") [ECF No. 82]. The R&R was entered on January 5, 2023, and objections to it were due by January 19, 2023.

Plaintiff Jermaine Ramsey ("Plaintiff") filed an objection marked as received on January 17, 2023, though docketed on January 24, 2023. [ECF No. 120]. Plaintiff's objection articulates no meritorious factual or legal bases to support his position that Judge Isaac's R&R is in error. Id. Instead, Plaintiff engages in ad hominem attacks on Judge Isaac, which fail to convince the Court of the legitimacy of his position. Id.

Judge Isaac recommended that Defendant's Motion [ECF No. 82] be granted as to summary judgment and denied as to revoking Plaintiff's in forma pauperis status as to this action, that the

case be dismissed, and that sanctions be assessed against Plaintiff for repeated frivolous filings. [ECF No. 119] at 8-11. Judge Isaac cites Plaintiff's failure to exhaust administrative remedies prior to filing this lawsuit, which is mandatory. Woodford v. Ngo, 548 U.S. 81, 84 (2006). Judge Isaac further cites Plaintiff's repetitive filing of frivolous suits, despite repeated warnings against such vexatious conduct, to determine that Plaintiff's conduct warrants sanctions. [ECF No. 119] at 11. Judge Isaac additionally cites that revocation of Plaintiff's in forma pauperis status is not necessary, because the Fifth Circuit has already barred Plaintiff from proceeding IFP in cases filed after December 3, 2021, and this case was filed on March 15, 2021. Id. at 10.

After conducting a de novo review of the R&R, the Court agrees with Judge Isaac's recommendation.

Additionally, Plaintiff is further warned that "proceeding pro se does not give him carte blanche to employ intemperate and abusive language or to engage in ad hominem attacks on federal judges." See Theriault v. Silber, 579 F.2d 302, 303 (5th Cir. 1978). The Court warns Plaintiff that any similar conduct in the future will invite the imposition of additional sanctions available to the Court. Fleming v. United States, 162 F. App'x 383, 386 (5th Cir. 2006).

Accordingly, the R&R is ADOPTED and Plaintiff's claims against Defendant are hereby DISMISSED with prejudice. Further, Defendant's Motion to Dismiss or, Alternatively, for Summary Judgment [ECF No. 82] is GRANTED as to summary judgment and DENIED as to the revocation of Plaintiff's in forma pauperis status as to this action. Further, the Court will assess to Plaintiff a \$50.00 monetary sanction.

A Final Judgment shall be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 26th day of January, 2023.

/s/ David Bramlette
DAVID C. BRAMLETTE III
UNITED STATES DISTRICT JUDGE